

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC., et al.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 2:18CV530-MSD-LRL
	)	
NORFOLK SOUTHERN RAILWAY	)	
COMPANY, et al.,	)	
	)	
Defendants.	)	
_____	)	

**MOTION TO DISMISS DEFENDANTS JERRY HALL, THOMAS HURLBUT AND  
PHILLIP MERILLI UNDER FED. R. CIV. P. 12(b)(1) BASED ON MOOTNESS**

Defendants Jerry Hall, Thomas Hurlbut, and Philip Merilli (“Individual Defendants”), by counsel, under Fed. R. Civ. P. 12(b)(1), move the Court to dismiss them from this case under Fed. R. Civ. P. 12(b)(1) because the claim against them is now moot and, accordingly, the Court has lost subject matter jurisdiction over the claim against them. The facts and legal contentions supporting this motion are set forth in a memorandum in support filed contemporaneously herewith.

Dated: February 6, 2020

Respectfully submitted,

JERRY HALL, THOMAS HURLBUT,  
and PHILIP MERILLI

By: /s/ John M. Erbach  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 6th day of February, 2020, I will electronically file the foregoing with the Clerk of Court using CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

By: \_\_\_\_\_/s/  
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